

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MANUEL SANCHEZ,

Defendant.

No. 2:12-CR-2066-EFS-1

**ORDER GRANTING DEFENSE COUNSEL'S
MOTION TO WITHDRAW AND DENYING
DEFENDANT'S MOTION FOR SENTENCE
REDUCTION**

Before the Court is defense counsel's Motion to Withdraw, ECF No. 90, and Defendant's construed Motion for Sentence Reduction, ECF No. 86. On September 26, 2016, the Court granted Defendant Manuel Sanchez's construed Motion to Appoint Council in order to challenge his sentence under United States Sentencing Guideline Amendment 782 and the Ninth Circuit's opinion in *United States v. Davis*, 825 F.3d 1014 (9th Cir. 2016). ECF No. 87. On September 26, 2016, the Federal Defenders of Eastern Washington and Idaho were appointed to represent Mr. Sanchez, ECF No. 88, and Andrea K. George filed a Notice of Attorney Appearance on behalf of Mr. Sanchez on October 5, 2016.

Defense counsel has determined that Mr. Sanchez would not benefit from any sentence reduction under Amendment 782 and *Davis* because, even with an adjustment, Mr. Sanchez's sentence is below the bottom of the new Guideline range. ECF No. 90. Under United States

1 Sentencing Guideline § 1B1.10(b)(2)(A), a court cannot impose a
2 sentence below the new Guideline range based on a Guidelines
3 amendment. Accordingly, because Mr. Sanchez already received a below-
4 Guidelines sentence, he cannot benefit from Amendment 782. The Court
5 denies Mr. Sanchez's construed Motion for a Sentence Reduction, ECF
6 No. 86.

7 Because defense counsel was appointed for the limited purpose of
8 pursuing a sentence reduction under Amendment 782 and *Davis*, ECF No.
9 88, and both defense counsel and the Court have now determined that
10 Mr. Sanchez does not qualify for such a reduction, the Court finds
11 good cause to allow Ms. George to withdraw.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 1. Defendant's construed Motion for Sentence Reduction, **ECF**

14 **No. 86**, is **DENIED**.

15 2. Defense Counsel's Motion to Withdraw, **ECF No. 90**, is
16 **GRANTED**.

17 3. This file shall be **CLOSED**.

18 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
19 Order; provide copies to the Defendant, withdrawn defense counsel, and
20 counsel for the Government; and close the file.

21 **DATED** this 12th day of October 2016.

22 s/Edward F. Shea

23 EDWARD F. SHEA

24 Senior United States District Judge